

# Protecting police from politicians

By Kunwar Idris

Law & Order

EARLIER in the week, this paper reported the direct appointment of three deputy superintendents of police. This outwardly insignificant news underscores one of the chief causes of rampant lawlessness in the country, which no research thesis or court of enquiry can ever do.

The law binds the government to fill all posts of DSPs only by promotion from the lower ranks. Deprived of their legal right, inspectors and other ranks down the line choose either to sit back and sulk or, what is more common, plunder rapaciously. In either case, preventing crime or maintaining order does not remain the first concern of the frustrated lot.

That also explains the brute public image of the police station and its in-charge — the SHO — who is the kingpin where the crime-control machinery is concerned. All others in the long hierarchy — from constable to inspector general — are there only to assist or to supervise. Common sense demands that the holder of a charge so crucial to the peace and safety of the community should be neither frustrated nor corrupt. But for the most part he is.

Harking back to the first decade after independence, it was news when Fazal Mahmood the cricketer was directly appointed to the post of DSP as a reward for his Oval bowling feat. This departure from the rules was then sceptically noted but condoned — after all a national hero could not live on acclaim alone. Cricket, unlike today, brought no money then. In later years, the direct appointments of DSPs came routinely and in droves.

This was possible through the relaxation of the rules. At best the practice constituted an abuse of authority. It is illegal now as the method and procedure of appointment in various police ranks is laid down in the substantive law itself, which permits the government to recruit only constables. All higher posts must be filled through promotion or the public service commission. The post of DSP can be filled only through promotion.

The phenomenon of politicians tending to lean on the police rather than their respective parties is as old as

bullies. Status and pomp belong to the supervisors who, woefully, are unable to protect his legal right to be promoted to a post reserved for him but that is usurped by cronies.

The recent illegal appointments present an occasion to look at the command structure of the police and the latter's role in the service of the people. Both have suffered a huge setback under the cumbersome system introduced by Gen Musharraf. Its only praiseworthy feature is the incorporation of the method of recruitment in the law itself, instead of leaving it to the rules which can be relaxed at will. The illegality very likely will go unchallenged or take years to be set right even if the affected subordinates were to risk their careers to question it.

The foremost requirement is to appoint an ombudsman who should have the power to strike down any order or action of the central or provincial government that is contrary to the law governing the police force. The public safety and complaints commissions provided in Musharraf's law — the Police Order 2002 — cannot be trusted with this task for they comprise the very men who tend to violate the law. The ombudsman should be fully acquainted with the laws and the command structure. The names that instantly come to mind are Asad Jehangir, Afzal Shigri, Aftab Nabi, Manzur Mohsin — all retired IGs. But that is not to forget Jahangir Mirza whose parting advice to colleagues not to sell their soul for extension deserves to be displayed in every police establishment.

The second, and perhaps more important, reform needed is to have fewer but much better equipped police stations and to raise the status of their heads to DSP or equivalent ASP. Ask any victim of crime (which this writer was twice) and he would vouchsafe that the place where he receives, or is denied, remedy is the police station, even if he can reach the chief minister or the chief justice (which this writer could).

Thirdly, the police should be

---

Musharraf's police order has created many new problems and resolved none.

---

empowered to investigate all

spective parties is as old as Pakistan itself. NWFP strongman Khan Abdul Qayyum Khan chose IG Abdur Rashid to succeed him as chief minister. For Mumtaz Daultana, the Punjab chief minister, IG Qurban Ali Khan was a counselling guru. But, despite such close and personal relationships, politicians seldom interfered in police appointments although they could. Now they cannot. It is illegal. Yet, they somehow find a way to circumvent both the law and propriety.

Ask any senior police officer of yesteryear and he will tell you that increasingly over the decades and almost totally since the advent of Gen Ziaul Haq, the postings of SHOs are being made by politicians though such authority lies with the district police officer. A case that comes to mind was when, some years ago, the chief minister and prime minister had a heated argument over a posting to a particularly lucrative Karachi police station, and that too in the presence of the contending officials.

The tragic irony of our policing system is that what happens on the ground generally has no relation to what the law says. The hub of all activity and accountability is the police station, but it is miserably housed and its lowly paid in-charge serves at the behest of politicians and their local

empowered to investigate all complaints and crime but without the power to detain or arrest which should be reserved only for specified serious offences. The police stepping in to do their jobs where village and community conciliation forums have broken down would bring the force closer to the people in a role that is more helpful than punitive.

Musharraf's police order has created many new problems and resolved none. A commission comprised of less biased and better informed men than the authors of the Police Order 2002 should be formed to review it. It would be advisable to put this verbose and unpractical order aside and, instead, restore the more sensible and concise Act of 1861 with such changes as may be necessary.

Objectors to this proposal must heed what the International Crisis Group has to say in a report: "Pakistan's police force is incapable of combating crime, upholding the law or protecting citizens and the state against militant violence." Those in government today should not be treating the police illegally and unfairly and yet expect the law-enforcement agency to treat them legally and fairly when they are in the opposition. ■

kunwaridris@hotmail.com